

Michael Delvin Lewis # 1005687  
 Name and Prisoner/Booking Number

Yavapai Co. Jail  
 Place of Confinement

2830 N. Commonwealth Dr. Ste. 105  
 Mailing Address

Camp Verde, AZ 86322  
 City, State, Zip Code

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
AUG 22 2019	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY <u>[Signature]</u>	DEPUTY

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Michael Delvin Lewis,  
 (Full Name of Plaintiff)

Plaintiff,

v.

(1) Yavapai/Apache Nation Blue Dept.  
 (Full Name of Defendant)

(2) "and others"

(3) \_\_\_\_\_

(4) \_\_\_\_\_

Defendant(s).

☒ Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. CV-19-08248-PCT-SMB-ESW

(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT  
BY A PRISONER**

- ☒ Original Complaint  
☐ First Amended Complaint  
☐ Second Amended Complaint

**A. JURISDICTION**

1. This Court has jurisdiction over this action pursuant to:

☐ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☒ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).

☐ Other: \_\_\_\_\_

2. Institution/city where violation occurred: Camp Verde, Arizona

- 2) Officer Lawrence Jackson
- 3) Officer Lori Carver
- 4) Officer Jason Bitterman
- 5) Sergeant Timothy De Clay
- 6) Police Chief Don Huey

**B. DEFENDANTS**

1. Name of first Defendant: Yavapai/Apache Nation Police Dept The first Defendant is employed as: Police Department at Yavapai/Apache Nation.  
(Position and Title) (Institution)
2. Name of second Defendant: Officer Lawrence Jackson The second Defendant is employed as: Peace Officer at Yavapai/Apache Nation Police Dept..  
(Position and Title) (Institution)
3. Name of third Defendant: Officer Lori Carver The third Defendant is employed as: Peace Officer at Yavapai/Apache Nation Police Dept..  
(Position and Title) (Institution)
4. Name of fourth Defendant: Officer Jason Bitterman The fourth Defendant is employed as: Peace Officer at Yavapai/Apache Nation Police Dept..  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

**C. PREVIOUS LAWSUITS**

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? \_\_\_\_\_. Describe the previous lawsuits:
- a. First prior lawsuit:
1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
  2. Court and case number: \_\_\_\_\_
  3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
- b. Second prior lawsuit:
1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
  2. Court and case number: \_\_\_\_\_
  3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
- c. Third prior lawsuit:
1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
  2. Court and case number: \_\_\_\_\_
  3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

5) Name of fifth Defendant: Sergeant Timothy DeClay.  
The fifth Defendant is employed as: Peace Officer at  
Yavapai / Apache Nation Police Dept.

6) Name of sixth Defendant: Police Chief Jon Huey.  
The sixth Defendant is employed as: Peace Officer at  
Yavapai / Apache Nation Police Dept.

**D. CAUSE OF ACTION****COUNT I**

1. State the constitutional or other federal civil right that was violated: my rights were violated under the Fourth Amendment to the United States Constitution.

2. **Count I.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- |  |   |  |                                       |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court                                   | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion                                  | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>illegal search and seizure</u> . |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Officer Lawrence Jackson and Officer Lori Carver seized a blood draw from me illegal by using an invalid search warrant. Officer Jackson and Officer Carver's unconstitutional act occurred on 10-28-2017.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

I suffer from mental and emotional stress from being incarcerated due to the duress of my civil rights being violated.

5. **Administrative Remedies:**

- |  |   |                             |
|--|---|-----------------------------|
| a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| b. Did you submit a request for administrative relief on Count I?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| c. Did you appeal your request for relief on Count I to the highest level?   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.    |   |                             |

**COUNT II**

1. State the constitutional or other federal civil right that was violated: my rights were violated under the Fourth Amendment to the United States Constitution.

2. **Count II.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- |  |   |  |                                       |
|--|---|--|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court                 | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion                | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>conspiracy</u> |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Officer Lawrence Jackson and Officer Lori Carver conducted an illegal search and seizure with an invalid search warrant and they used their police reports to try and cover up their unconstitutional act. Sergeant Timothy Delloy knew the search warrant that Officer Jackson and Officer Carver used was invalid but he still allowed them to execute the warrant. Sergeant Delloy also signed off on Officer Jackson's and Officer Carver's police reports, condoning their unconstitutional act. Officer Jason Buttermann was a witness to the conspiracy and never reported it to the Chief of Police. Officer Jackson's, Officer Carver's, Officer Buttermann's, and Sergeant Delloy's unconstitutional acts stem from 10-28-2017 to 10-30-2017. On the week of July 8th, I wrote an informal resolution in the form of a letter, requesting relief, to Police Chief Jon Huey. Police Chief Jon Huey has made no effort to acknowledge his officers' unconstitutional acts by refusing to hold his officers liable to fullest extent of the law.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

I suffer from mental and emotional stress from being incarcerated due to the duress of my civil rights being violated.

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Count II? ☒ Yes ☐ No
- Did you appeal your request for relief on Count II to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_

**E. REQUEST FOR RELIEF**

State the relief you are seeking:

I am seeking monetary relief in the sum of \$5,000,000.00

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7-28-19  
DATE

Michael D. Lewis  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
(Name and title of paralegal, legal assistant, or  
other person who helped prepare this complaint)

\_\_\_\_\_  
(Signature of attorney, if any)

\_\_\_\_\_  
(Attorney's address & telephone number)

**ADDITIONAL PAGES**

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.